

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: D. Swanson *et al.*

App. No.: **10/784,316**

Filing Date: February 19, 2004

Title: COOLED PROBES AND APPARATUS
FOR MAINTAINING CONTACT BETWEEN
COOLED PROBES AND TISSUE

Examiner: Rollins, Rosiland Stacie

Art Unit: 3739

Docket No. 03-0285 (US01)

Confirmation No. 2158

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

BOSTON SCIENTIFIC SCIMED, INC. (formerly Scimed Life Systems, Inc.), is the owner of all rights, title, and interest in and to the above-identified application (hereinafter, the "immediate application") pursuant to an assignment recorded in the Patent and Trademark Office on February 19, 2004 at Reel 015020, Frame 0191.

The evidentiary documents have been reviewed, and, as of the signing of this Terminal Disclaimer, to the best of assignee's and the undersigned's knowledge and belief, BOSTON SCIENTIFIC SCIMED, INC., is still the owner of all such rights, title, and interest. BOSTON SCIENTIFIC SCIMED, INC., hereby disclaims, except as provided below, the terminal part of any patent granted on the immediate application that would extend beyond the term of any patent granted on either of (i) U.S. Patent Application No. 10/395,021 and (ii) U.S. Patent Application No. 11/141,405, and hereby agrees that any patent so granted on the immediate application shall be enforceable only for and during such period that the legal title to said patent granted on the

immediate application shall be the same as the legal title to any patents that may be granted on either of (i) U.S. Patent Application No. 10/395,021 and (ii) U.S. Patent Application No. 11/141,405, and that this agreement is to run with any patent granted on the immediate application and be binding upon the grantee, its successors, and/or assigns.

In making the above disclaimer, BOSTON SCIENTIFIC SCIMED, INC., does not disclaim the terminal part of any patent granted on the immediate application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on either of (i) U.S. Patent Application No. 10/395,021 and (ii) U.S. Patent Application No. 11/141,405, in the event such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any presently existing terminal disclaimer.

I, David T. Burse, of the law firm of Vista IP Law Group LLP, represent that I am a representative authorized to make this disclaimer on behalf of BOSTON SCIENTIFIC SCIMED, INC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: December 21, 2007

By: /DavidTBurse/
David T. Burse
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